

POLREP 0450th and Hayes Site

743, 745, 731, 729, 738, 740, and 737 50th Street NE  
Washington, D.C. 20019

ATTN: RRC, C. Kleeman, M. Welsh, C. Ruleman (DC ECU), S. Smith (DC  
Fire/EMS)

EVENT: Time-Critical Removal

I. SITUATION (as of 1730 hours, 17 September 1999):

- A. This polrep covers site activities between September 8 and September 17, 1999.
- B. On September 10, 1998, EPA Region III's Regional Response Center received notification from D.C. Environmental Crimes Unit (ECU) Detective Paul Kurgan that the site, located at 50<sup>th</sup> and Hayes, was contaminated with waste oil/petroleum, tires, and other flammable materials. It was alleged that ongoing contamination of the site was impacting the environment, including an elementary school located across the street from the property.
- C. In February 1999, EPA OSCs Boyd and Stanton performed a site visit with Detective Kurgan. Although drums of cleaning solvents had been dumped on-site, they had for the most part been removed by D.C. Department of Public Works prior to EPA's assessment. However, two 55-gallon drums, which were open to the atmosphere, were found on the site and sampled; results indicated that the contents of the drums posed no immediate threat to public health or the environment from the site. Soils on-site appeared to be deeply impregnated with oil. However, because there was no visible pathway to a navigable waterway, the OSCs concluded that the Site did not present a threat as traditionally defined under the Oil Pollution Act of 1990 (OPA).
- D. Following EPA's initial assessment of the Site, D.C. ECU Investigator Carl Ruleman asked EPA to take an action at the Site. Neighborhood children had apparently learned that the contaminated soils on the Site can be set on fire. Once ignited, the soils burn for some time; D.C. ECU investigators report that the D.C. fire department has had difficulty in suppressing the fires once ignited, and that the flames continued for several days.
- E. Based on reports from DC ECU investigators, EPA OSC Stanton determined that a Superfund response action pursuant to the NCP was appropriate and necessary and initiated a Superfund response. This activation was performed following consultation with ORC and EPA Removal Response Section management. The decision was reached that, based on the immediate threat of

fire, the Site would be secured and access impeded. ORC Counsel Goldman spoke with the attorneys for the current legal and equitable owners of the property and secured access to the property for the OSC.

F. Personnel on-site: EPA-2, SATA-1, ERRS-2, D.C. ECU-2, Metropolitan Fence-6.

G. Weather on 13 and 14 September was hot and humid, clear skies with temperatures in the upper 80s. On 15 and 16 September, site activities were delayed due to heavy rains and strong winds attributed to Hurricane Floyd.

H. Estimated costs (C.O.B. 17 September 1999):

	EST. COSTS	CEILING
ERRS	\$13,084	\$ 50,000
SATA	2,169	15,000
EPA (TOTAL)	4,330	20,000
UNALLOCATED		115,000
TOTAL	19,583	200,000

## II. ACTIONS TAKEN:

A. On 10 September 1999, EPA OSC Stanton mobed to the Site with the ERRS RM and SATA members to assess the Site. The OSC and the RM determined that the site would be secured with a privacy fence to dissuade children and the general public from accessing or altering the site. The OSC and RM determined the fence specifications, and the RM contacted and hired a local fencing subcontractor to conduct the work beginning on 14 September (the earliest date that any subcontractor was available). The fencing subcontractor requested a survey of the property. The OSC contacted EPA ORC and was informed that a deed search performed collateral to the fencing effort was within the access permission granted by the property owners.

B. While on-Site on 10 September 1999, the OSC met with a prospective purchaser of the property to discuss EPA's actions and the prospective purchaser's potential interest in performing the work himself. The OSC spoke with ORC A. Goldman and Oil and Enforcement Section Chief K. Melvin regarding potential options for working with this prospective purchaser, who had indicated that he planned to sign an agreement to purchase on 17 September. Section Chief Melvin and OSC Stanton agreed that discussions with the prospective purchaser should be deferred until after analytical results were received and the OSC could make more informed decisions regarding necessary removal actions and their timing. The OSC left a voice mail message for the prospective purchaser regarding this plan, including the expected date of receipt of analytical data. At the request of OSC Stanton and Removal

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Response Section Chief C. Kleeman, OSC M. Welsh was assigned to assist in the development of a potential prospective purchase agreement or other appropriate enforcement document.

- C. Also on 10 September 1999, SATA collected five soil samples on behalf of EPA Region III to assess the source of the soil's reported ignitability and any other hazards posed by the site to human health and welfare and the environment. Analytical results were expected 17 September 1999.
- D. On 13 September 1999, ERRS RM and FCA mobed to the Site, as did SATA. SATA performed a deed search of the site and obtained official survey maps of the lots in question at the site (lots 36, 37, and 38).
- F. On 14 September 1999, the ERRS subcontractor, Metropolitan Fencing, began the installation of an eight-foot privacy fence around the perimeter of the site. Survey maps of the lots were used to determine the property boundaries. Site operations began each day with a Health and Safety meeting where physical and chemical hazards and daily operations of the site were discussed. All debris associated with the site was moved to the inside of the primary fence (fence installed by ERRS). MISS Utility was on site 14 September 1999 to ensure that post holes would not interfere with or cut existing underground utilities. On 14 September 1999, the OSC and SATA remained on-Site until 1830, when the concrete maintaining the fencing posts was sufficiently dry to ensure that the posts could not be moved by by-passers. The OSC also left a note in the mailbox for the next-door church.
- G. D.C. ECU Detectives C. Ruleman and L. Dance were on site 14 September. They voluntarily notified D.C. City Government of the disrepair and hazards of the burned-out auto parts building on the portion of the Site opposite the area being fenced by EPA. The Detectives also requested that D.C. police perform patrols of the site to ensure that fencing work in progress would not be vandalized.
- H. D.C. police (Patrol Area Service) periodically patrolled the area of the Site in a marked cruiser to ensure that the site would not be vandalized further and to dissuade entry to the site.
- I. On 15 September 1999, the OSC spoke with Reverend O.B. Warren of the Little Mount Zion Fire Baptized Holiness Church of God, which abuts the southern edge of the site. The OSC informed the Reverend of site activities. On-Site operations were ended early (approximately 1145 hours) on 15 September due to heavy rains associated with Hurricane Floyd. For the rest of the workday on 15 September, and all day on 16 September, the ERRS subcontractors installed privacy slats into the fencing while in their office. On 16 September, SATA and the ERRS FCA visited the fencing subcontractor's

office to observe the slat-installation process.

- J. On 17 September 1999, the fencing subcontractor installed the fencing, including the gates. Approximately 75 percent of the fence's privacy slats remained to be installed on 20 September 1999, as well as the barbed wire along the top of the fence. The OSC delivered a key for the front gate to the site to the responding D.C. Fire Department engine company, Engine 30 (Lt. Cade), in the event of an emergency within the gates at site.
- K. Although analytical results were expected to be received by 17 September 1999, SATA's subcontracted laboratory indicated that they were having difficulties and were unable to provide the expected analytical on time. The laboratory expected results to be available on 20 September. The OSC relayed the schedule change to the prospective purchaser and OSC Welsh.

### III. FUTURE ACTIONS:

- A. Receipt of analytical data from sampling event that occurred on 10 September 1999 is expected. Upon receipt of analytical, OSC and SATA will review data, and site activities will be decided accordingly.
- B. ERRS subcontractor to complete installation of privacy fence (privacy slats and barbed wire).

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